

REMARKS/ARGUMENTS

Claims 1-14 and 16-24 are present in this application. By this Amendment, claims 1, 13 and 14 have been amended, and claim 15 has been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution and raised by the Examiner in the previous Office Action; (c) does not present any additional claims without canceling the corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment was necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the Amendment is thus respectfully requested.

Claims 1, 6, 7, 10, 12-15, 20, 21 and 24 were rejected under 35 U.S.C. §103(a) over Hatamura in view of Abels et al. This rejection is respectfully traversed.

The Office Action contends that it would have been obvious to modify the system of Hatamura to include the load monitoring system of Abels. Without conceding this contention, independent claims 1, 13 and 14 have been amended generally to include the subject matter of claim 15.* That is, claim 1, for example, has been amended to recite that the control system determines a destabilizing moment . . . to thereby assess boom lift vehicle stability in at least forward and backward directions, the control system controlling the vehicle driving components

* Since this subject matter has been previously considered, Applicants respectfully submit that the amendments herein do not "raise new issues for further consideration and/or search."

based on boom lift vehicle stability. The Abels patent, in contrast, is silent with regard to backward stability. Indeed, due to the nature of the described structure (i.e., a forklift truck), Abels is entirely unconcerned with backward stability. In describing the Background of the Invention, Abels describes that “because the load to be transported is taken up outside of the wheel base, a torque develops around the front axle in counter-weight forklifts.” Column 1, lines 29-31. See also column 3, lines 56-68.

Claims 13 and 14 have been similarly amended.

Since at least this subject matter is lacking in Hatamura and Abels, taken singly or in combination, Applicants respectfully submit that the rejection is misplaced. With respect to the dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) over Hatamura in view of Abels and Miyasaki. The Miyasaki patent, however, does not correct the deficiencies noted above with regard to independent claim 1. As a consequence, Applicants submit that claim 11 is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is respectfully requested.

Applicants acknowledge with appreciation the indication that claims 2-5, 8, 9, 16-19, 22 and 23 are allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the

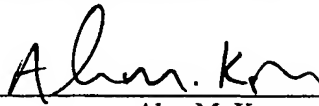
PUSZKIEWICZ et al.
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application in condition for allowance, the Examiner is invited to contact Applicants'
undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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